

Exhibit C

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

IN RE NEW ENGLAND COMPOUNDING)
PHARMACY, INC. PRODUCTS LIABILITY)
LITIGATION)

MDL No. 2419
Dkt. No 1:13-md-2419 (FDS)

THIS DOCUMENT RELATES TO:)

Suits Identified in Exhibit A to Memorandum)
in Support of Motion to Dismiss Plaintiffs')
Complaints Against Tennessee Health Care)
Providers for Failure to Comply with)
Tenn. Code Ann. § 29-26-121)

AFFIDAVIT OF CHRIS TARDIO

STATE OF TENNESSEE
COUNTY OF DAVIDSON

Comes Chris Tardio, after first being duly sworn, and states as follows:

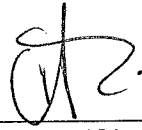
1. I am over 18 years of age, have personal knowledge of the facts contained herein, and am competent to testify to same.
2. I am a member with the law firm of Gideon, Cooper & Essary in Nashville, Tennessee.
3. I represent the following Tennessee Defendants, whose cases have been transferred to this Court for pretrial proceedings in the MDL:
 - a. Saint Thomas Outpatient Neurosurgical Center, LLC,
 - b. Howell Allen Clinic, a Professional Corporation,
 - c. John W. Culclasure, MD,
 - d. Debra V. Schamberg, RN,
 - e. Specialty Surgery Center, Crossville, PLLC,
 - f. Kenneth R. Lister, MD,
 - g. Kenneth Lister, MD, PC, and
 - h. Donald E. Jones, MD.

4. We received from our client, Specialty Surgery Center, Crossville, PLLC the documents that were provided to it with the notice of an intent to sue by Wilma Carter. Based on the client's report and the documents sent to us, the HIPAA release attached as Exhibit A to the Complaint in *Carter, et al. v. Ameridose, et al.*, No. 1:13-cv-12187-FDS was not included with the September 3, 2013, Notice of Intent provided to Specialty Surgery Center, Crossville, PLLC.

5. As explained in the Memorandum of Law, the HIPAA releases attached as Exhibit 7A to the Complaint in *Ferguson, et al. v. Ameridose, et al.*, No. 1:13-cv-12571-FDS were not identical copies of the HIPAA releases enclosed with the June 28, 2013, Notice of Intent provided to Saint Thomas Outpatient Neurosurgical Center, LLC via counsel.

6. Based on a review of our files in this MDL, we attempted to use the HIPAA releases provided by the following patients to obtain medical records, but the requests were denied because the releases fail to comply HIPAA. This is not an exhaustive list of patients whose HIPAA releases were denied when we attempted to use them because they did not comply with HIPAA.

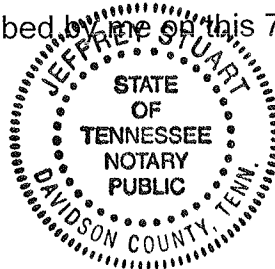
- a. Alexander, John
- b. Besaw, Travis
- c. Bratcher, Ben
- d. Bryant, Margaret
- e. Campbell, Barbara
- f. Carroll Theresa
- g. Chambers, Kathy
- h. Coleman, Billy Joe
- i. Evans, Danny
- j. Ferguson, Rosemary
- k. Glatman, Ellen
- l. Jordan, Dorris
- m. Kinsey, John
- n. Lankford, Charles
- o. Lovelace, Eddie
- p. Martin, Mary
- q. McKinney, Joyce
- r. Miller, Melanie
- s. Naseef, Dorothy
- t. Pierce, Ken (Larry)
- u. Sawyers, John Charles
- v. Stinson, Melanie
- w. Taylor, Barbara
- x. Taylor, Blake
- y. Turner, Rondal
- z. Wilkinson, Krissy
- aa. Williams, Earline.



(Signature of Affiant)

STATE OF TENNESSEE)
)
COUNTY OF DAVIDSON)

Sworn to and subscribed by me on this 7th day of February, 2014.


(Notary Public)

My Commission Expires May 20, 2014